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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARK SHARKOZY, an individual,

Plaintiff,

vs.

TERRA-GEN OPERATING COMPANY, INC., a
Domestic Corporation; TERRA-GEN POWER.
LLC; a Foreign Corporation; BEOVAWE
POWER, LLC, a Domestic Corporation; DOES I
through X, inclusive; ROE CORPORATIONS I
through X, inclusive,

Defendants.

CASE NO: 3:16-cv-592-HDM-WGC

**JOINT CASE MANAGEMENT
REPORT**

Plaintiff MARK SHARKOZY (“Plaintiff”), by and through his attorney of record, Trevor J. Hatfield, Esq., of HATFIELD & ASSOCIATES, LTD., and Defendants TERRA-GEN OPERATING COMPANY, INC.; TERRA-GEN POWER, LLC; and BEOVAWE POWER, LLC., (“Defendants”), hereby submit this Joint Case Management Report pursuant to the Court’s order (Dkt. No. 28).

1. A short statement of the nature of the case, including a description of each claim or defense.

Plaintiff contends that he is a qualified individual with a disability within the meaning of the American’s with Disabilities Act of 1990, and amendments thereto, and 42 U.S.C. Section 1201 et

1 seq., the Rehabilitation Act of 1973, and amendments thereto, and 26 U.S.C. Section 701 et seq.,
2 and 29 U.S.C. Section 2601 et seq. Defendants' contest that Plaintiff is a qualified individual with
3 a disability within the meaning of the American's with Disabilities Act. Plaintiff was hired by
4 Defendants as a general technician in July, 2008. Plaintiff was informed by Defendants supervisory
5 employees that he temporarily could not work due to him suffering an on the job injury. Plaintiff
6 contends that he requested accommodation and leave, which was provided to him initially only to
7 be rescinded by Defendants without notice or opportunity for engagement in an interactive process
8 for accommodation for his disability. Defendants deny that any accommodation was rescinded
9 without notice or opportunity for engagement in an interactive process for accommodation and
10 assert that Plaintiff could not be reasonably accommodated.
11

12 First Cause of Action: Plaintiff was wrongfully terminated under Titles I and V of the
13 Americans with Disabilities Act and suffered harassment due to a hostile work environment.
14 Although he was able to perform his duties, Plaintiff was terminated and replaced by a non-disabled
15 individual. Defendants deny that Plaintiff was wrongfully terminated or that he was harassed due
16 to a hostile work environment. Defendants deny that Plaintiff was able to perform his duties.
17

18 Second Cause of Action: Plaintiff was discriminated against due to disability in violation
19 of §§ 501 AND 505 of the Rehabilitation Act. Defendant denied Plaintiff reasonable
20 accommodation for his disability. Defendants deny that Plaintiff was denied reasonable
21 accommodation.
22

23 Third Cause of Action: Plaintiff was subject to retaliation under the Americans with
24 Disabilities Act. Defendant initially provided accommodation for his disability but then revoked it
25 causing irreparable harm and deprivation of income to Plaintiff. Defendants deny these claims.
26

27 **2. A description of the principal factual and legal disputes in the case.**
28

1 **a. Factual Disputes** - No discovery has been conducted, so it is not clear what
 2 factual disputes there are other than the allegations of the complaint and the denials of the answer.

3 **b. Legal Disputes** – Defendants deny liability and damages

4 **3. The jurisdictional basis for the case, citing specific jurisdictional statutes.**

5 U.S. District Court Local Rule 8-1 provides that civil actions shall be filed in the division in
 6 which the action allegedly arose. This action arose in northern Nevada. Plaintiff was employed by
 7 Defendant Terra-Gen at its geothermal power plant in Beowawe, Nevada. The power plant is
 8 located in Lander County. At all times relevant to the allegations of the complaint, Mr. Sharkozy
 9 resided in Crescent Valley, Nevada, which is located in Eureka County, Nevada. All actions
 10 complained of in the complaint took place in Lander County (where the power plant is located) or
 11 in Eureka County (where plaintiff resided). All of the witnesses and all of the records related to this
 12 action are located at the power plant in Beowawe or at Terra-Gen's headquarters in Reno, Nevada.
 13

14 **4. Identification of any parties who have not been served and an explanation why**
 15 **they have not been served; and any parties which have been served but have not answered or**
 16 **otherwise appeared.**

17 There are no parties who have not been served or who have not filed an answer
 18

19 **5. A statement whether any party expects to add additional parties to the case or**
 20 **otherwise amend the pleadings (the Court will set a deadline to join parties or amend**
 21 **pleadings at the case management conference.**

22 There are no additional parties expected to be added.
 23

24 **6. Whether there are any pending motions that may affect the parties' abilities to**
 25 **comply with a case management order, including a brief description of those motions.**

26 There is a pending Motion to Dismiss. (Dkt. No. 12)

27 ///

1 **7. A list of contemplated motions, if any, and an overview statement of issues to be**
2 **presented by any such motions.**

3 Plaintiff contemplates filing a motion for leave to amend to add causes of action and Early
4 Neutral Evaluation.

5 **8. The status of related cases, if any, pending before other judges of this Court or**
6 **before other courts in any other jurisdiction.**

7 There are no related cases pending before other judges or other courts in any jurisdiction.

8 **9. Any further supplemental discussion of necessary discovery, including:**

9 **a. the extent, nature and location of discovery anticipated by the parties.**

10 **b. suggested revisions, if any, to the discovery limitations imposed by the**

11 **Federal Rules of Civil Procedure and LR 26-1(b); and**

12 **c. the number of hours permitted for each deposition, unless extended by**
13 **the parties.**

14 The parties agree to be bound by the seven hours in a single day limitation on each
15 deposition pursuant to FRCP 330(d)(1). Plaintiff intends to take two total depositions. Defendants
16 intend to take 8 to 10 depositions.

17 **10. A discussion of any issues relating to the disclosure or discovery of**
18 **electronically stored information (“EST”), including the form or forms in which it should be**
19 **produced (*see* Fed. R. Civ. P. 16(b)(3)(B)(iii); 26(f)(3)(C); and 33(d)).**

20 The parties don’t anticipate any such issues.

21 **11. A discussion of any issues related to any anticipated possible claims of privilege**
22 **or work product (*see* Fed. R. Civ. P. 16(b)(3)(B)(iv) and 26(f)(3)(D)).**

23 There are no anticipated claims of privilege or work product.

1 **12. Unless the discovery plan and scheduling order otherwise provides and the**
2 **Court so orders, the parties' Fed. R. Civ. P. 26(a)(3) disclosures and any objections thereto.**

3 The parties have filed their Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(3).

4 **13. Unless the Court has already approved a discovery plan and scheduling order,**
5 **the proposed dates for each of the following:**

6 The Court's approved a discovery plan, (Dkt. No. 26)

7 The deadlines submitted herein are in compliance with LR 26-1(b).

8 **14. The parties must certify that they met and conferred about the possibility of**
9 **using alternative dispute-resolution processes including mediation, arbitration, and if**
10 **applicable, early neutral evaluation. (LR 26-1(b)(7))**

11 The parties so certify. ADR is not requested except Plaintiff contemplates moving for an
12 Early Neutral Evaluation.
13

14 **15. The parties must certify that they considered consent to trial by a magistrate**
15 **judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program**
16 **(General Order 2013-01). (LR 26-1(b)(8)).**

17 The parties so certify.
18

19 **16. Whether a jury trial has been requested and whether the request for a jury**
20 **trial is contested (if the request is contested, set forth reasons):**

21 A jury trial has been requested.
22

23 **17. The estimated length of trial and any suggestions for shortening and/or**
24 **expediting the trial.**

25 The parties estimate the trial will last 2 – 3 days.

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27 ///

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